

## MEDICINE BOARD[653]

### Notice of Intended Action

#### **Proposing rule making related to licensing regulation, veterans and military spouses and providing an opportunity for public comment**

The Board of Medicine hereby proposes to amend Chapter 9, “Permanent and Administrative Medicine Physician Licensure,” and Chapter 18, “Military Service and Veteran Reciprocity,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code chapter 147 and 2022 Iowa Acts, Senate File 2383.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 272C.12 and 2022 Iowa Acts, Senate File 2383.

#### *Purpose and Summary*

These proposed amendments implement the licensure-related provisions of 2022 Iowa Acts, Senate File 2383, which established requirements for licensure by verification and updated the requirements and parameters of licensure for veterans and their spouses.

#### *Fiscal Impact*

This proposed rule making will have limited fiscal impact. The provisions of this rule making will waive the initial application and renewal fees for veterans who were honorably or generally discharged within the previous five years. However, the overall number of applications that meet these criteria is low.

#### *Jobs Impact*

After analysis and review of this rule making, there may be a positive impact on jobs since it would streamline and remove some of the requirements related to licensure by verification. Additionally, it would clearly provide an alternative pathway to licensure of spouses of veterans when moving to Iowa.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 653—Chapter 3.

#### *Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on July 18, 2023. Comments should be directed to:

Dennis Tibben  
Iowa Board of Medicine  
400 SW Eighth Street, Suite C  
Des Moines, Iowa 50309  
Phone: 515.281.7088  
Email: [dennis.tibben@iowa.gov](mailto:dennis.tibben@iowa.gov)

### *Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

ITEM 1. Adopt the following **new** rule 653—9.5(272C):

**653—9.5(272C) Licensure by verification.** Licensure by verification is available in accordance with the following:

**9.5(1) Eligibility.** A person may seek licensure by verification if the person is currently licensed as a physician in at least one other jurisdiction that has a scope of practice substantially similar to that of Iowa.

**9.5(2) Board application.** The applicant must submit the following:

- a. A completed application for licensure by verification.
- b. Payment of the application fee.
- c. A completed fingerprint packet to facilitate a criminal history background check by the DCI and FBI.
- d. A verification form, completed by the licensing authority in the jurisdiction that issued the applicant’s license, verifying that the applicant’s license in that jurisdiction complies with the requirements of Iowa Code section 272C.12. The completed verification form must be sent directly from the licensing authority to the board.
- e. Proof of passing an examination as required by rule 653—9.7(147,148).
- f. A copy of the complete criminal record, if the applicant has a criminal history.
- g. A copy of the relevant disciplinary documents, if another jurisdiction has taken disciplinary action against the applicant.
- h. A written statement from the applicant detailing the scope of practice in the other state.
- i. Copies of relevant laws setting forth the scope of practice in the other state.

**9.5(3) Applicants with prior discipline.** If another jurisdiction has taken disciplinary action against an applicant, the board will determine whether the cause for the disciplinary action has been corrected and the matter has been resolved. If the board determines the disciplinary matter has not been resolved, the board will neither issue a license nor deny the application for licensure until the matter is resolved. A person who has had a license revoked, or who has voluntarily surrendered a license, in another jurisdiction is ineligible for licensure by verification.

**9.5(4) Applicants with pending licensing complaints or investigations.** If an applicant is currently the subject of a complaint, allegation, or investigation relating to unprofessional conduct pending before

any regulating entity in another jurisdiction, the board will neither issue a license nor deny the application for licensure until the complaint, allegation, or investigation is resolved.

**9.5(5) Temporary licenses.** Applicants who satisfy all requirements for a license under this section except for passing a required examination specific to the laws of this state may be issued a temporary license that is valid for a period of three months and may be renewed once for an additional period of three months. The applicant must submit proof of passing the required examination before the temporary license expires.

ITEM 2. Rescind the definition of “Provisional license” in rule **653—18.1(272C)**.

ITEM 3. Adopt the following new definition of “Temporary license” in rule **653—18.1(272C)**:  
“*Temporary license*” means a temporary license issued pursuant to rule 653—10.5(147,148).

ITEM 4. Amend rule 653—18.3(272C) as follows:

**653—18.3(272C) Veteran and spouse reciprocity.**

**18.3(1) and 18.3(2)** No change.

**18.3(3)** Upon receipt of a fully completed licensure application, the board shall promptly determine if the ~~professional or occupational licensing requirements of~~ scope of practice in the jurisdiction where the veteran or spouse is licensed is substantially equivalent to the licensing requirements in Iowa. The board ~~may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, and postgraduate experiences~~ shall make this determination based on information supplied by the applicant and such additional information as the board may acquire from the applicable jurisdiction.

**18.3(4)** The board shall promptly grant a license to the ~~veteran or spouse applicant~~ if the ~~veteran or spouse applicant~~ is licensed in the same or similar profession in another jurisdiction whose ~~licensure requirements are~~ scope of practice is substantially equivalent to ~~those required~~ the scope of practice in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant’s disciplinary or malpractice history or criminal background.

**18.3(5)** If the board determines that the ~~licensing requirements~~ scope of practice in the jurisdiction in which the ~~veteran or spouse applicant~~ is licensed ~~are~~ is not substantially equivalent to ~~those required~~ the scope of practice in Iowa, the board shall promptly inform the applicant of the additional ~~experience,~~ education, or ~~examinations~~ training required for licensure in Iowa. Unless the applicant is ineligible for licensure based on other grounds, such as disciplinary or malpractice history or criminal background, the following shall apply:

a. If the applicant has not passed the required examination(s) for licensure, the applicant may not be issued a temporary license, but may request that the application be placed in pending status.

b. If additional ~~experience or~~ education or training is required ~~in order for the applicant’s qualifications to be considered substantially equivalent,~~ the applicant may request that the board issue a ~~provisional~~ temporary license for a specified period of time during which the applicant will successfully complete the necessary ~~experience or~~ education or training. The board shall issue a ~~provisional~~ temporary license for a specified period of time upon such conditions as the board deems reasonably necessary to protect the health, welfare or safety of the public, unless the board determines that the deficiency is of a character that the public health, welfare or safety will be adversely affected if a ~~provisional~~ temporary license is granted.

c. If a request for a ~~provisional~~ temporary license is denied, the board shall issue an order fully explaining the decision and shall inform the applicant of the steps the applicant may take in order to receive a ~~provisional~~ temporary license.

d. If a ~~provisional~~ temporary license is issued, the application for full licensure shall be placed in pending status until the necessary ~~experience or~~ education or training has been successfully completed or the ~~provisional~~ temporary license expires, whichever occurs first. The board may extend a ~~provisional~~ temporary license on a case-by-case basis for good cause.

**18.3(6)** ~~A veteran or spouse~~ An applicant who is aggrieved by the board’s decision to deny an application for a reciprocal license or a ~~provisional~~ temporary license or is aggrieved by the terms under

which a ~~provisional~~ temporary license will be granted may request a contested case (administrative hearing) and may participate in a contested case by ~~telephone~~ video conferencing. A request for a contested case shall be made within 30 days of issuance of the board's decision. There shall be no fees or costs assessed against the ~~veteran or spouse~~ applicant in connection with a contested case conducted pursuant to this subrule.